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MAY 22 2006

In re Application of :
Motoki Kato :
Application No. 09/982,571 : **ON PETITION**
Filed: October 17, 2001 :
Attorney Docket No. 450100-4886.1 :

OFFICE OF PETITIONS

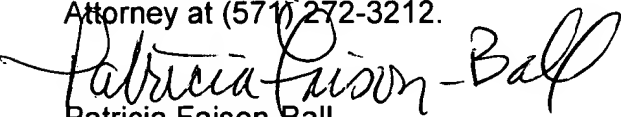
This is a decision on the petition, filed February 16, 2006, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 10, 2004, for failure to file a timely response to the Office communication (notification of non-responsive but *bona fide* reply) mailed on August 9, 2004, which set a one (1) month period for reply. A second Office communication mailed January 14, 2005 advised that the amendment filed September 13, 2004 with a certificate of mail dated September 8, 2004 was also non-responsive and that the period for reply ran from the mailing of the Office communication mailed August 9, 2004. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed on December 9, 2005.

The application is being forwarded to Technology Center 1639 for consideration of the response filed February 16, 2006 and for further examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).